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**PATENT**  
Attorney Docket No. 204526

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

#9

KOVESDI et al.

Group Art Unit: 1636

Application No. 09/599,997

Examiner: McKELVEY, T.

Filing Date: June 23, 2000

For: VIRAL VECTOR ENCODING PIGMENT  
EPITHELIUM-DERIVED FACTOR

**RECEIVED**

JUL 18 2002

**INFORMATION DISCLOSURE STATEMENT**

TECH CENTER 1600/2900

Commissioner for Patents  
Washington, D.C. 20231

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that any reference listed thereon is prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that they represent art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that the references are not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

CERTIFICATE OF MAILING

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

*July 9, 2002*

*Helma Del Nager*

The Information Disclosure Statement is being filed:

- ☐ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d); (b) within three months of the date of entry of the national stage as set forth in § 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☒ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under § 1.113, a Notice of Allowance under § 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under § 1.97(e) (see "Statement under § 1.97(e)" below).  
*and*
- ☒ the fee of \$180 set forth in § 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under § 1.113 or a Notice of Allowance under § 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under § 1.97(e) (see "Statement under § 1.97(e)" below), and the fee of \$180 as set forth in § 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under § 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under § 1.704(d) (see "Statement under § 1.704(d)" below), and the fee of \$180 as set forth in § 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with §§ 1.97 and 1.98 is being filed.

#### Copies of the References

- ☒ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of its relevance pursuant to § 1.98(a)(3).
- ☐ A copy of a foreign search report from a counterpart foreign application is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and a copy of each reference was furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is

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respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with § 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC § 120 in which copies of the reference were previously furnished are set out below:

U.S. APPLICATIONS		STATUS (CHECK ONE)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1. 0 /				
2. 0 /				
3. 0 /				

**Statement under § 1.97(e)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under § 1.704(d)**

- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☐ No fee is owed by the applicant(s).
- ☒ The **IDS Fee of \$180** under § 1.17(p) is enclosed herewith.

**Method Of Payment Of Fees**

- ☐ Attached is a check in the amount of \$ .
- ☒ Charge Deposit Account No. 12-1216 in the amount of \$ 180.00. (A duplicate copy of this communication is enclosed for that purpose.)

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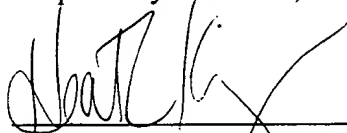
**Authorization To Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions As To Overpayment**

- ☒ Credit Account No. 12-1216.  
☐ Refund.

Respectfully submitted,



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Date: July 9, 2002